



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Maryvonne CHARLOT et al.

Serial No.: 09/605,054

Group Art Unit: 1619

Filed: June 28, 2000

Examiner: A. Berman

For: SLOW-RELEASE PHARMACEUTICAL FORMULATIONS CONTAINING
MIZOLASTINE

#6
JRL
4/18/01

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents
Washington, DC 20231

Sir:

As a means of complying with the duty of disclosure under 37 CFR §1.56, and in accordance with 37 CFR §§1.97 and 1.98, Applicants, through the undersigned attorney, submit this Information Disclosure Statement. The patents, publications or other information submitted herewith are listed on the attached Form PTO-1449 and copies are attached. The Examiner is requested to make these references of record in the file of this application.

In accordance with 37 CFR §1.97(c), this Information Disclosure Statement is being filed after the period set forth in 37 CFR §1.97(b), but before the mailing date of either a Final Action under 37 CFR §1.113 or Notice of Allowance under 37 CFR §1.311.

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However, Applicants point out that the instantly cited documents were cited not only in the Form PTO-1449 filed with the subject application on June 28, 2000, but were also cited in the prosecution of Applicants' parent application in an Information Disclosure Statement filed on June 4, 1999. A copy of each of the references involved was submitted to the PTO with the noted Information Disclosure Statement filing in the prosecution of the parent application. Moreover, a copy of the Form PTO-1449 submitted during the prosecution of the parent application was transmitted to the PTO in the prosecution of this application on September 27, 2000. That copy shows that the several documents were considered by the Examiner for this application. Please note also that copies of the several documents were provided to the PTO with the noted Information Disclosure Statement filed in the parent prosecution.

Under these circumstances Applicants respectfully submit that the PTO had the necessary copies and the Examiner had reviewed the documents. The further requirement set forth in the Office Action (Paper No. 3) of October 11, 2000, is thus submitted to be unwarranted and the Examiner's refusal to sign off on these documents referred to again in the Information Disclosure Statement submitted in the prosecution of this continuation application (under the circumstances) is improper.

Reconsideration of the PTO position is thus respectfully requested. As noted, there should be no charge to Applicants for providing copies of the respective documents with this further Information Disclosure Statement. However, if the \$180 fee or other charge is determined to be required by the filing of this Statement, please charge such fee to Deposit Account No. 06-1358. A duplicate copy of this paper is enclosed.

Respectfully submitted,

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